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8 *Attorney for Defendant, Jan Rouven Fuechtener*

6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 JAN ROUVEN FUECHTENER,

12 Defendant.

CASE NO.: 2:16-CR-100-GMN-CWH

**STIPULATION TO CONTINUE
SENTENCING HEARING**

13 IT IS HEREBY STIPULATED AND AGREED, by and between Elham Roohani and Lisa
14 C. Cartier-Giroux, Assistant United States Attorneys, counsel for the United States of America, and
15 Karen A. Connolly, counsel for Defendant JAN ROUVEN FUECHTENER, that the sentencing
16 hearing currently scheduled for September 27, 2018, at the hour of 10:30a.m., be vacated and
17 continued for no less than 45 days.

18 This Stipulation is entered into for the following reasons:

19 1. The parties agree to the continuance for the following reasons: Defense Counsel's
20 request to withdraw was denied by the Magistrate, counsel now being CJA appointed needs
21 time to prepare for sentencing and to apply for experts to be appointed in order to effectively
22 assist Fuechtener.

23 a. Moreover, filings by the firm of CHESNOFF & SCHONFELD have interfered with
24 the continuity of as well as counsel's ongoing representation as Fuechtener's
25 Defense Counsel.

26 b. Undersigned counsel requested a 90 day continuance; however, under the present
27 circumstances, Assistant United States Attorney, Elham Roohani, will agree to 45
28 days, subject to reconsideration at a future date.

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2. The additional time requested herein is not sought for purposes of delay.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice.
4. This is the eighth request to continue the sentencing date.

DATED this 17 day of September, 2018.

KAREN A. CONNOLLY, LTD.

DAYLE ELIESON
United States of America

/s/ Karen A. Connolly
KAREN A. CONNOLLY
Counsel for Jan Rouven Fuechtener

/s/ Elham Roohani
ELHAM ROOHANI
LISA C. CARTIER-GIROUX
Assistant United States Attorneys
Counsel for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAN ROUVEN FUECHTENER,

Defendant.

CASE NO.: 2:16-cr-100-GMN-CWH

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties agree to the continuance for the following reasons: Defense Counsel's request to withdraw was denied by the Magistrate, counsel now being CJA appointed needs time to prepare for sentencing and to apply for experts to be appointed in order to effectively assist Fuechtener.

a. Moreover, filings by the firm of CHESNOFF & SCHONFELD have interfered with the continuity of as well as counsel's ongoing representation as Fuechtener's Defense Counsel.

b. Undersigned counsel requested a 90 day continuance; however, under the present circumstances, Assistant United States Attorney, Elham Roohani, will agree to 45 days, subject to reconsideration at a future date. The additional time requested herein is not sought for purposes of delay.

2. Additionally, denial of this request for continuance could result in a miscarriage of justice.

3. This is the eighth request to continue the sentencing date.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be

1 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
2 opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking
3 into account the exercise of due diligence.

4 The continuance sought herein is excusable under the Speedy Trial Act, title 18, United States
5 Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section
6 3161(h)(7)(B)(i), (iv).

7 **ORDER**

8 IT IS THEREFORE ORDERED that the Sentencing Hearing currently scheduled for
9 September 27, 2018, at the hour of 10:30 a.m., be vacated and set continued for no less than 45
10 days.

11 DATED this _____ day of September 2018.

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13 UNITED STATES DISTRICT JUDGE
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